



RECEIVED

MAR 06 2003

February 28, 2003 TECH CENTER 1600/2900

Bereskin &amp; Parr



Barristers and Solicitors/Patent and Trade Mark Agents  
Practice Restricted to Intellectual Property Law

Micheline Gravelle B.Sc., M.Sc. (Immunology.)  
416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/707,167  
Our Reference: 9369-161

The Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231  
U.S.A.

Dear Sirs:

**Re: TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**  
**U.S. Patent Application No. 09/707,167**  
**Filed: November 7, 2000**  
**Title: Oil Bodies and Associated Proteins as Affinity Matrices**  
**Inventors: Maurice Moloney, Joseph Boothe and Gijs van Rooijen**  
**Art Unit: 1653**  
**Examiner: Samuel W. Liu**

SemBioSys Genetics Inc., a corporation of Alberta, of Bay #110, 2985-23<sup>rd</sup> Avenue N.E., Calgary, Alberta, T1Y 7L3, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/707,167, filed on November 7, 2000 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices" by virtue of an assignment recorded at Reel 12646, Frame 0298 on March 6, 2002, and (2) U.S. Patent No. 5,856,452, issued on January 5, 1999 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices", by virtue of an assignment recorded at Reel 8441, Frame 0277 on March 26, 1997.

SemBioSys Genetics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,856,452 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,856,452, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

please send your reply to

Scotia Plaza, 40 King Street West, 40th Floor  
Toronto, Ontario, Canada M5H 3Y2  
t: 416 364 7311 f: 416 361 1398

Meadowdale Corporate Centre, 2000 Argentia Road  
Plaza 4, Suite 430, Mississauga, Ontario, Canada L5N 1W1  
t: 905 812 3600 f: 905 814 0031

03/18/2003 LBANKS 00000003 022095 09707167

01 FC:2814 55.00 CH

www.bereskinparr.com


- 2 -

In making the above disclaimer, SemBioSys Genetics Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of United States Patent No. 5,767,026, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an agent of record in the application.

Respectfully submitted,

Maurice Moloney, Joseph Boothe  
And Gijs van Rooijen



Micheline Gravelle  
Registration No. 40,261

MG/jl



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 12/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
9369-161

RECEIVED

MAR 06 2003

TECH CENTER 1600/2900

In re Application of Maurice Moloney et al.

Application Number 09/707,167

Filed November 7, 2000

For OIL BODIES AND ASSOCIATED PROTEINS AS AFFINITY MATRICES

Group Art Unit  
1653

Examiner  
SAMUEL W. LIU

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$
- ☐ Two months (37 CFR 1.17(a)(2)) \$
- ☒ Three months (37 CFR 1.17(a)(3)) \$930.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$
- ☐ Five months (37 CFR 1.17(a)(5)) \$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 465.00.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 022095.

I have enclosed a duplicate copy of this sheet.

I am the ☒ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEB. 28, 2003

Date

*M. Gravelle*

Signature

Micheline Gravelle, Reg. No. 40,261

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/04/2003 CCHAU1 00000080 022095 09707167

01 FC:2253 465.00 CH